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APR 10 2007

FROM: DAVID GROBER  
616-A Venice Blvd.  
Marina Del Rey, CA. 90291  
(310) 822-1100 = Telephone  
(310) 822-2679 = FAX

TO: U.S. P.T.O.  
COMPANY: Patent Revival  
FAX #: (571) 273-8300  
# OF PAGES (Including this page) 4

\* \* \* \* \*

FROM: DAVID GROBER  
DATE: April 10, 2007 TIME: \_\_\_\_\_

NOTES: IT is my understanding that this  
Patent Revival request may be filed by FAX.

IF that is not correct, please advise me.

Please send a receipt of this FAX.

Thank you

David Grober

RE: Request For Revival of patent under 37 CFR 1.181(e)  
Patent application # 10/647/892

From:  
David Grober  
616 Venice Blvd.  
Venice, CA. 90291  
(310) 822-1100

To:  
USPTO  
Office of Patent Revival.  
P.O. Box 1450  
Alexandria, VA. 22313-1450  
By FAX (571) 273-8300

Re: 10/647,892.

Dear Office of Patent Revival:

I am filing, as instructed by the USPTO, to submit this written statement under 37 CFR 1.181(a).

A Notice of Non Compliant Amendment was mailed to me by the USPTO on June 7, 2006. I, David Grober, recall that I spoke with my examiner Lars Olson and our conversation revealed that some of the pages of my Response to the First Office Action had not made it into the computer and were missing. We determined that I should resend them. This was done by FAX on July 5, 2006. Twenty pages were sent and I received a Fax reply (attached) that the pages had been received.

Apparently a 2<sup>nd</sup> request for the same documents was sent to me on July 10, 2006. I never received that communication.

When I received the notice of abandonment dated 2/12/07, I was quite confused. I contacted my examiner Mr. Lars Olson. Mr. Olson reviewed the file, remembered that we had spoken about the missing documents and that I was going to Fax them in. He then checked his file and found that the missing documents to the July 10, 2006 request were received, including a complete listing of all claims, list with status identifiers, etc.. He reviewed those documents and concurred that everything appeared to be proper as well as correctly filed with the request of June 7, 2006. He was unable to figure out why a second request had gone out on July 10, 2006, (regardless that I had not received it). Everything, as far as he was concerned was in the file ready for review. He also noted that the 2<sup>nd</sup> request was not made by himself. So again, there was a question as to why it was sent. Mr. Olson suggested filing this revival.

I called the USPTO to obtain additional information on the proper form for the revival. I spoke with Ms. April Wise who, upon further reviewing the file suggested that possibly the July 10, 2006 request for documents may have been triggered because the amended claims list stated "amended" and she said that "currently amended" may have been a reason why someone other than the examiner had triggered the 2<sup>nd</sup> request. However, once she noted that all the claims were amended at the same time, and the examiner noted no errors, and then she noted there was a potential \$ 750.00 fee based on a potential technicality not even caught by the examiner, she did some research and phoned me back and said I should submit this written statement under 37 CFR 1.181(a) and that there would be no fees due. I also asked if there was a specific form to use and she said no, just to make a statement as to the facts.

I also believe the record shows that I was thorough in responding timely to the June 7, 2006 request, and sought confirmation from my examiner to make sure that everything was submitted timely and properly. If there had been an error that did need correcting which initiated the July 10, 2006 request, I certainly would have answered if I had received it.

Therefore please accept this statement of facts and request for the revival of patent application # 10/647,892.

Sincerely,



David Grober  
Inventor

## Auto-Reply Facsimile Transmission



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7/5/2006 7:12:04 PM [Eastern Daylight Time]

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3108222679 P. 1

FROM: DAVID GROWEN  
616-A Venice Blvd.  
Marina Del Rey, CA. 90291  
(310) 822-1100 - Telephone  
(310) 822-2679 - FAX

TO: U.S. P.T.O.

COMPANY: \_\_\_\_\_

PAGE: (57), 223-8100

# OF PAGES (including this page) 20

FROM: David Growen

DATE: 7/5/06 TIME: \_\_\_\_\_

NOTES: Please accept the amendment for  
application #1/147,882

I will appreciate in return  
correspondence to confirm the receipt

Thank you

David Growen

PAGE 1/20 \* RCVD AT 7/5/2006 7:12:04 PM [Eastern Daylight Time] \* SVR:USPTO-EFTRF-6/26 \* DNIS:2738300 \* CSID:3108222679 \* DURATION (mm-ss):01-34